

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
Sherman Division

ED BUTOWSKY, in his Individual And Professional Capacities)	
)	
Plaintiff,)	
)	
v.)	<u>Case No. 4:18-cv-442-ALM-CMC</u>
)	
DAVID FOLKENFLIK <u>et al</u>)	
)	
Defendants.)	
)	

**PLAINTIFF'S UNOPPOSED MOTION
TO EXTEND DEADLINE TO FILE RESPONSE TO
DEFENDANTS' MOTION TO COMPEL
AND REPLIES THERETO**

Plaintiff, Ed Butowsky, by counsel, pursuant Rule 6(b)(1)A of the Federal Rules of Civil Procedure and Local Civil Rule 7(e), respectfully moves the Court for an extension of time to file (a) his response and memoranda in opposition to Defendants' motion to compel [*ECF No. 87*], and (b) Defendants' replies thereto.

1. This is an action for defamation, business disparagement and civil conspiracy arising out of a series of articles and tweets published by NPR correspondent, David Folkenflik. On September 30, 2019, Plaintiff filed a second amended complaint.
2. The parties are currently engaged in written discovery.
3. On January 15, 2020, the Defendants filed a motion to compel.
4. The time for Plaintiff to file his opposition has not yet expired.

5. Plaintiff has been very ill recently and was in the hospital. Counsel has been unable to communicate with him. Counsel respectfully requests the Court to extend the deadline under Local Civil Rule 7 for Plaintiff to file his response and memoranda in opposition to Defendants' motion, and to allow Plaintiff to file his response on or before February 3, 2020.

6. Plaintiff's counsel conferred with counsel for Defendants about the request for an extension.

7. On January 27, 2020, Defendants' counsel (Ms. Prather) indicated that Defendants do not oppose Plaintiff's request, provided that there is a comparable extension of the deadline for Defendants to file their reply to Plaintiff's opposition, which (because of the Federal holiday on February 17) would make Defendants' reply due on February 18, 2020. Plaintiff's counsel is agreeable.

8. No party would be prejudiced by the extensions of the respective deadlines.

9. A proposed Order, granting the requested relief, agreed to by counsel for the parties is attached, as Exhibit "A".

WHEREFORE, Plaintiff respectfully requests the Court to enter an Order (1) granting Plaintiff's motion to extend the deadlines under Local Civil Rule 7; (2) providing Plaintiff with an extension of time to file his responses and memoranda in opposition to Defendants' motion to compel [ECF No. 87] to and including February 3, 2020 and Defendants with an extension of time to file their reply to Plaintiff's response

and memorandum in opposition to and including February 10, 2020; and (3) awarding such further relief as the Court deems proper.

DATED: January 29, 2020

ED BUTOWSKY,
In his Individual and Professional Capacities

By: /s/ Steven S. Biss

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Counsel for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2020 a copy of the foregoing was filed electronically using the Court's CM/ECF system, which will send notice of electronic filing to counsel for Defendants and all interested parties receiving notices via CM/ECF, and a copy was also emailed in PDF to counsel for the Defendants.

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